

FEDERAL ELECTION COMMISSION

In the matter of:

Alvin M. Greene  
Alvin M. Greene for Senate

MUR No.

6215

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
2010 JUN 15 PM 2:11  
OFFICE OF GENERAL  
COUNSEL

COMPLAINT

1. Citizens for Responsibility and Ethics in Washington ("CREW") and Melanie Sloan bring this complaint before the Federal Election Commission ("FEC") seeking an immediate investigation and enforcement action against Alvin M. Greene, Alvin M. Greene for Senate.

for direct and serious violations of the  
Federal Election Campaign Act ("FECA").

Complainants

2. Complainant CREW is a non-profit corporation, organized under section 501(c)(3) of the Internal Revenue Code. CREW is committed to protecting the right of citizens to be informed about the activities of government officials and to ensuring the integrity of government officials. CREW is dedicated to empowering citizens to have an influential voice in government decisions and in the governmental decision-making process. CREW uses a combination of research, litigation, and advocacy to advance its mission.

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3. In furtherance of its mission, CREW seeks to expose unethical and illegal conduct of those involved in government. One way CREW does this is by educating citizens regarding the integrity of the electoral process and our system of government. Toward this end, CREW monitors the campaign finance activities of those who run for federal office and publicizes those who violate federal campaign finance laws. Through its website, press releases and other methods of distribution, CREW also files complaints with the FEC when it discovers violations of the FECA. Publicizing campaign finance violators and filing complaints with the FEC serves CREW's mission of keeping the public informed about individuals and entities who violate campaign finance laws and deterring future violations of campaign finance law.

4. In order to assess whether an individual, candidate, political committee or other regulated entity is complying with federal campaign finance law, CREW needs the information contained in receipts and disbursements reports that political committees must file pursuant to the FECA, 2 U.S.C. § 454(a)(2); 11 C.F.R. § 104.1. CREW is hindered in its programmatic activity when an individual, candidate, political committee or other regulated entity fails to disclose campaign finance information in reports of receipts and disbursements required by the FECA.

5. CREW relies on the FEC's proper administration of the FECA's reporting requirements because the FECA-mandated reports of receipts and disbursements are the only source of information CREW can use to determine if a candidate, political committee or other regulated entity is complying with the FECA. The proper administration of the FECA's reporting requirements includes mandating that all reports of receipts and disbursements required by the FECA are properly and timely filed with the FEC. CREW is hindered in its programmatic activity when the FEC fails to properly administer the FECA's reporting requirements.

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6. Complainant Melanie Sloan is the executive director of Citizens for Responsibility and Ethics in Washington, a citizen of the United States and a registered voter and resident of the District of Columbia. As a registered voter, Ms. Sloan is entitled to receive information contained in reports of receipts and disbursements required by the FECA, 2 U.S.C. § 434(a)(2); 11 C.F.R. § 104.1. Ms. Sloan is harmed when a candidate, political committee or other regulated entity fails to report campaign finance activity as required by the FECA. *See FEC v. Akins*, 524 U.S. 11, 19 (1998), quoting *Buckley v. Valeo*, 424 U.S. 1, 66-67 (1976) (political committees must disclose contributors and disbursements to help voters understand who provides which candidates with financial support). Ms. Sloan is further harmed when the FEC fails to properly administer the FECA's reporting requirements, limiting her and CREW's ability to review campaign finance information.

Respondents

7. Alvin M. Greene is a candidate seeking to represent the State of South Carolina in the U.S. Senate. Alvin M. Greene for Senate purports to be the principal campaign committee of Alvin M. Greene.

**Factual Allegations**

11. Alvin M. Greene filed a Statement of Intention of Candidacy with the South Carolina Democratic Party on March 16, 2010 and Alvin M. Greene for Senate paid a filing fee of \$10,440 to the South Carolina Democratic Party on that same date. See Exhibit 1. Accordingly, Alvin M. Brown and/or Alvin M. Brown for Senate expended in excess of \$5,000 seeking election to Federal office.

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**COUNT I**

15. FECA and FEC regulations require a candidate for Federal office to file a Statement of Candidacy and a Statement of Organization designating the candidate's principal campaign committee with the FEC no later than 15 days after becoming a candidate. 2 U.S.C. § 432(e)(1); 11 C.F.R. § 101.1(a). FECA and FEC regulations define the term "candidate" to include an individual who seeks nomination for Federal

office and who receives contributions or makes expenditures aggregating in excess of \$5,000. 2 U.S.C. § 431(2)(A); 11 C.F.R. § 100.3(a).

16. By failing to file either a Statement of Candidacy or a Statement of Organization with the FEC, Alvin M. Greene and Alvin M. Greene for Senate knowingly and willfully violated 2 U.S.C. § 432(e)(1) and 11 C.F.R. § 101.1(a).

### COUNT II

17. FECA and FEC regulations both require that the principal campaign committee of a candidate for the House of Representatives or the Senate file quarterly reports with the FEC no later than the fifteenth day after the last day of each calendar quarter. 2 U.S.C. § 434(a)(2)(A)(iii) and 11 C.F.R. § 104.5(a)(1)(i).

18. By failing to file the April 15<sup>th</sup> Quarterly Report for calendar year 2010, Alvin M. Greene, Alvin M. Greene for Senate,

knowingly and willfully violated both 2 U.S.C. § 434(a)(2)(A)(iii) and 11 C.F.R. § 104.5(a)(1)(i).

### COUNT III

19. FECA and FEC regulations both require that the principal campaign committee of a candidate for the House of Representatives or the Senate file a pre-election report with the FEC 12 days before any election in which the candidate is seeking election. 2 U.S.C. § 434(a)(2)(A)(i) and 11 C.F.R. § 104.5(a)(2)(i).

20. The 12-Day Pre-Primary Report for the June 8, 2010 Democratic primary election in South Carolina was due on May 27, 2010.

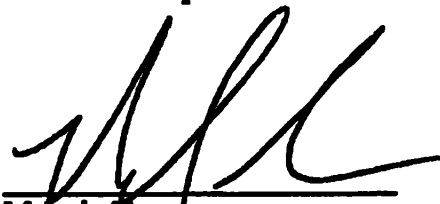
21. By failing to file the 12-Day Pre-Primary Report for the June 8, 2010 Democratic primary election in South Carolina on May 27, 2010, Alvin M. Greene, Alvin

**M. Greene for Senate,**

**knowingly and willfully violated both 2 U.S.C.  
§ 434(a)(2)(A)(i) and 11 C.F.R. § 104.5(a)(2)(i).**

**CONCLUSION**

**WHEREFORE, Citizens for Responsibility and Ethics in Washington and  
Melanie Sloan request that the Federal Election Commission conduct an investigation  
into these allegations, declare the respondents to have violated the Federal Election  
Campaign Act and applicable FEC regulations, and impose sanctions appropriate to  
these violations. The FEC should also take such further action as may be appropriate,  
including referring knowing and willful violations to the Department of Justice for  
criminal investigation.**



**Melanie Sloan  
Executive Director  
Citizens for Responsibility and Ethics  
in Washington  
1400 Eye Street, N.W.  
Suite 450  
Washington, DC 20005  
(202) 408-5565 (phone)  
(202) 588-5020 (fax)**

**Verification**

**Citizens for Responsibility and Ethics in Washington and Melanie Sloan hereby verify  
that the statements made in the attached Complaint are, upon information and belief, true.**

**Sworn pursuant to 18 U.S.C. § 1001.**

A handwritten signature in black ink, appearing to be 'MS', written over a horizontal line.

**Melanie Sloan**

**Sworn to and subscribed before me this 15<sup>th</sup> day of June, 2010.**

A handwritten signature in black ink, appearing to be 'Lisa Drew', written over a horizontal line.

**Lisa Drew  
District of Columbia, Notary Public  
My Commission Expires  
July 31, 2014**

**Notary Public**

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## **EXHIBIT 1**

## Statement of Intention of Candidacy - Partisan

- This form must be completed by a candidate seeking partisan office.
- A Statement of Intention of Candidacy must be filed with each party the candidate wishes to be the nominee.
- The U.C. Constitution prohibits a person who has been convicted of a felony from filing for public office for 15 years after the completion of the sentence, including probation and parole time, unless previously pardoned.

Name	Alvin Michael Greene			Party	Democratic		
Office	US Senate			District			
Primary or Convention	Primary		Election Date	6/8/10			
Address	PO Box 511		City	Manning		Zip	29102
Email Address							
Telephone	Cell		Home		Work		
Voter Registration Number							
<b>Guidelines for a Candidate's Name to appear on the ballot:</b> <ul style="list-style-type: none"> <li>A given name or a derivative may be used</li> <li>The name will not contain quotations, parentheses, or other distinguishing marks</li> <li>Nicknames are allowed if they are used in good faith for honest purposes and do not: <ul style="list-style-type: none"> <li>Imply professional or social status</li> <li>Include an office or military rank</li> <li>Exceed 15 letters</li> </ul> </li> </ul>							
Name as you wish it to appear on ballot (please print)		Alvin M. Greene					
Audio Ballot - Phonetically spell your name, if necessary		Example Jackson Germain: jay-VAY					

<b>Candidate's Oath</b> I affirm that I meet, or will meet by the time of the general or special election, the qualifications for this office.	
<b>Candidate's Signature</b>	

SECRET

11-1-77

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3/16/2010	5:26 pm
Ann Smice	
A.C. Democratic Party	

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Received 3/16 2010  
Time AM 5:26 (PM)  
County of Richland

**2010 DEMOCRATIC PARTY OF SOUTH CAROLINA  
NOTICE OF CANDIDACY AND PLEDGE**

*Please type or print legibly*

Name Alvin Michael Greene

Home Address (include city, state, zip) Manning, SC 29102

Mailing Address (if different from home address) PO Box 511, Manning, SC 29102

Telephone: (office) \_\_\_\_\_ (home) \_\_\_\_\_ (fax) \_\_\_\_\_

Email: 

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I hereby file my notice as a candidate for the nomination as US Senate in  
the primary election to be held on Tuesday, June 8, 2010.

I affiliate with the Democratic Party, and I hereby pledge myself to abide by the results of the primary.

I shall not authorize my name to be placed on the general election ballot by petition and will not offer or campaign as a write-in candidate for this office or any other office for which the party has a nominee.

I authorize the issuance of an injunction upon ex parte application by the party chair, as provided by law, should I violate this pledge by offering or campaigning in the ensuing general election for election to this office or any other office for which a nominee has been elected in the party primary election, unless the nominee for the office has become deceased or otherwise disqualified for election in the ensuing general election.

I hereby affirm that I meet, or will meet by the time of the general or special election, or as otherwise required by law, the qualifications for this office.

Please print or type name as you would like it to appear on the ballot:

Alvin M. Greene

Alvin M. Greene  
Signature of Candidate

Don B. Smith  
Witness of Party Rules

3/16/10  
Date

3/16/10  
Date